

MEMORIAL

OF

THE LEGISLATURE OF ARKANSAS,

PRAYING

The construction of levees on the Arkansas and Mississippi rivers, for the purpose of reclaiming the inundated lands adjacent thereto.

DECEMBER 30, 1845.

Referred to the Committee on Public Lands, and ordered to be printed.

Memorial to the Congress of the United States by the General Assembly of Arkansas.

Your memorialists respectfully represent unto your honorable bodies, that the Arkansas and Mississippi rivers are subject to periodical overflows between the following points on said rivers: the Arkansas river, from Pine Bluff Jefferson county, State of Arkansas, mainly on its south side, to its mouth; and the Mississippi river, from the highlands at New Madrid, in the State of Missouri, to the Louisiana line, on the Arkansas side. The distance on the Arkansas river subject to overflow is about one hundred miles; and the distance on the Mississippi, between said points, on the Arkansas side, about two hundred and fifty miles. These overflows inundate the greater portion of the lands lying along said rivers within the points aforesaid. Your memorialists represent, that the lands subject to overflow on the south side of the Arkansas river, between said points, may be safely estimated at about four hundred thousand acres; and that, in addition to that amount of lands subject to inundation lying along said river, the water, running over the south bank of said river between said points, and taking a southwest direction to the Red river, sweeps over a distance of country some two hundred miles in length and varying in width: that the lands subject to overflow from the flooding of the Mississippi river, on the Arkansas side, may be estimated between the points aforesaid at about three millions of acres. Your memorialists would further represent unto your honorable bodies the following facts and considerations in relation to said lands subject to inundation as above described: That there are no better producing lands on the face of the earth than the great body of these lands would be were they reclaimed and protected from the ruinous floods that now sweep over them and render them unfit for cultivation; they are well timbered, and covered over or rather made up of a deep rich soil that will render them fruitful in the highest degree, and exhaustless under any process of cultivation;

that, owing to the fact that these lands are subject to frequent inundations from said rivers, but few of them have been purchased from the government of the United States, and are likely to remain unsold and valueless in the hands of the government until they shall be reclaimed and protected from inundation; that the sale of these lands was rendered still more hopeless by the unusually overwhelming floods that passed over them during the last spring, driving off the settlers, sweeping away their improvements, and spreading desolation and ruin over the whole face of said country subject to overflow as aforesaid; that many of the settlers within the scope of said floods, who had actually purchased lands, have abandoned them in despair; that many others will do so unless they are protected; and that the whole of this rich and beautiful country will become wholly, as it is now mainly, a useless, unsaleable, and uncultivated waste. Your memorialists further represent unto your honorable bodies, that though the sparse settlers on these lands suffer much from the floods, from their immediate physical effects, and the sickness resulting to the whole adjacent country from them, yet the government of the United States is much the greatest sufferer, in consequence of the unsaleable condition in which they keep said lands. Your memorialists further represent, that the whole of said lands may be permanently reclaimed and securely protected against these overflows by throwing up levees along the banks of said rivers. To this conclusion they have arrived by actual examination, and from the opinions of intelligent persons who have thoroughly examined the whole subject. Your memorialists are of opinion that a levee might be thrown up from Pine Bluffs to the mouth of the Arkansas river, south side, a distance of about one hundred miles, as before stated, at a cost of one thousand dollars per mile at most; that this levee would rescue from inundation the large amount of lands lying along said river above estimated, and, moreover, the vast quantity of country over which the waters flow in their course to the Red river, as described above; and that, in addition thereto, said levee, when completed, would be of incalculable value as a public road. Your memorialists further are of opinion that the lands overflowed by the Mississippi river, as above described, may be reclaimed and forever protected from future inundation by throwing up a levee along the Arkansas side of said river, between the points aforesaid, a distance of about three hundred miles, at a cost not exceeding sixteen hundred dollars per mile; that the great bottom through which the national road from Memphis, Tennessee, to Little Rock, Arkansas, passes, and which is the great thoroughfare into Arkansas and Texas, from the south and western States, is fed by the overflowing of the Mississippi river, and this all important road rendered almost impassable and useless during the greater portion of the year; that said levee along the bank of the Mississippi river would wholly cut off the water from said bottom, render said road firm and good, and do away the necessity of a further appropriation to bridge, causeway, and pike it; that the greatest cost of making both of said levees will not exceed five hundred and eighty thousand dollars, and, in all probability, considerably less. Your memorialists further represent, that though the making of said levees would be greatly beneficial to the settlers upon a portion of said lands, yet they are wholly unable to do the work; for though they might levy along their own lands, yet this would be useless unless the entire levee were thrown up; and that though the work would be beneficial to

the State of Arkansas in several respects heretofore glanced at, yet such, unfortunately, is the present embarrassed condition of our young State, that she is wholly unable to make any appropriation to aid in the work. Your memorialists further represent unto your honorable bodies, that though they adhere strictly to the good old doctrine, that the federal government has no power to make internal improvements of a local nature within the States for local benefit, yet they do not regard it as any departure from this principle to memorialize your honorable bodies to complete the above important work; for, while they cheerfully grant that great advantages would result to individuals and to the State from the completion of said work, yet it would only be a resulting benefit, while the government would be the immediate recipient of the great advantages arising from the work. Indeed, the government would simply be rescuing her own domain from ruin, and adding ten, yea, one hundred fold to its value. It is therefore a work of a general and not of a local nature—a work to all intents and purposes for the benefit of the government of the United States; and your memorialists have too high an opinion of the wisdom and liberality of your honorable bodies to suppose for a moment that you would refuse to do a great, much needed, and highly profitable work to the general government, because a local benefit might result to an integral portion thereof. To show to your honorable bodies that this position is correct, your memorialists would respectfully submit the following: The utmost cost of making said levees will not exceed the sum of five hundred and eighty thousand dollars, as above stated. Estimating the above lands which they have shown may be reclaimed by making said levees, after deducting the lands owned by individuals, at one dollar and twenty five cents per acre, they would amount to at least three millions of dollars; deduct the price of making the levees, and the remainder would be two millions four hundred and twenty thousand dollars, which would be saved to the government of the United States by the lands thus reclaimed within the limits of the State of Arkansas, besides a vast quantity of lands lying in Louisiana, now subject to overflow from the Mississippi, and which would be wholly and permanently reclaimed by making said levee on the Mississippi. Your memorialists would, therefore, respectfully ask your honorable bodies to make an appropriation of the sum of about five hundred and eighty thousand dollars to construct the above levees; and that your honorable bodies appoint four sets of commissioners—say one set for the Arkansas river, and three for the Mississippi, dividing the work into equal distances among them—whose duties it shall be to take charge of said appropriation and superintend the completion of said work on such plan and under such regulations as your honorable bodies may by law direct. If, however, your honorable bodies should refuse the above appropriation in money, your memorialists respectfully ask that your honorable bodies make an appropriation of a sufficient amount of said lands subject to inundation as aforesaid to amount to the sum above asked, at one dollar and twenty-five cents per acre; that you appoint commissioners, as aforesaid, to let out the work to individuals under contracts to be made with them for doing particular portions of the work, and execute patents to said individuals for such portions of said lands as they may be entitled to for doing such work as they may undertake: all to be done on such plan and under such regulations as your honorable bodies may by law direct. In this way, your memorialists

are satisfied that the government may reclaim all of said lands by appropriating a small portion of them in the above manner to do the work. And as in duty bound, they will ever respectfully ask, &c.

Resolved, That our Senators in Congress be instructed, and our Representative be requested, to urge the passage of a law to carry out the object of the above memorial.

JOHN S. ROANE,
Speaker of the House of Representatives.
JOHN WILLIAMSON,
President of the Senate.

Approved, January 4, 1845.

THOS. S. DREW.